

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GMAC Mortgage Corporation

Plaintiff,

vs.

John C. Flynn, et al.

Defendants.

Case No. 1:06-cv-00345

Judge Honorable Christopher A.
Boyko

ORDER CANCELLING SALE
PROCEEDINGS, VACATING
JUDGMENT, AND DISMISSING
CASE

This matter is before the Court on the motion of Plaintiff for an order cancelling sale proceedings, vacating the judgment and decree of foreclosure entered in this case under Rule 60(b)(5) and for an order dismissing this case under Rule 41(a)(2) of the Federal Rules of Civil Procedure. The Court hereby grants Plaintiff's motion. The judgment and decree of foreclosure entered in this case are hereby vacated and this action is hereby dismissed without prejudice at Plaintiff's costs. The Clerk is hereby ordered to distribute the remaining balance of Plaintiff's deposit in the amount of \$222.00, to Plaintiff, *upon approval by the Finance Department.*

IT IS SO ORDERED.

Christopher A. Boyko
Honorable Christopher A. Boyko
UNITED STATES DISTRICT JUDGE

FILED

MAY 21 2008

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND